

"unencrypted" in P.7, item 4, second paragraph, line 5, which being a typographical error with the correct term "encrypted", reasons therefor is submitted in Argument A of Appeal Brief(substitute).

**Patentability of Independent Claims 1, 12, 14 as amended**

Claim 1 as amended is basically equivalent to claim 1 of another US patent application 08/587,448 of mine for the same invention as the present application (therefore, both applications are now under a provisional double patenting rejection), if the latter claim 1 is considered as allowable by the Examiner or the Board, then the former should be allowable as well.

The reasons for Patentability of Independent Claims 1, 12, 14 as amended is basically same as the reasons for patentability of claim 7 as submitted in Appeal brief(substitute), Argument C, P.19, under the heading of "Wiedemer + Haas et al".

**Examiner's rejection :**

As the Examiner has admitted in the Final Office action, P.6, section 13, second paragraph, in his arguments in support of 103 rejection of claims 1, 2, 4, 14, 15 and 17-22, "The Wiedemer patent provides for an identity means to determine authorization if a user and provides for information that leads to a billing charge, but does not disclose the step of not causing ..electronic commerce operation to be performed".

But the Examiner further stated, in the Final Office action, P.6, section 13, third paragraph, "The patent to Haas et al teaches a method for providing secure access to shared information such as a newspaper, see column 1, lines 20-35. The Haas patent teaches deterrents for discouraging users from providing useful information to others to access the information in question. Column 5, lines 47-54 teach a first deterrent as causing a rightful user's credit card number to display to discourage a rightful user from sharing the information to access the secured

information to others".

Finally the Examiner concluded in the fourth paragraph, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wiedemer method as taught in Hass by causing a rightful user's credit card number to be displayed in order to discourage rightful user's from sharing information with others who are not the rightful user(s).

**Applicant's reasons :**

The Examiner's rejection is respectfully traversed, for the following reasons :

As readable on column 5, lines 47-54, Haas et al. merely teach a deterrent as causing by a software, a rightful user's credit card number to be displayed, to discourage a rightful user from sharing the software which being for decrypting a commercial software product, to other people. This deterrent although may be useful, it has a drawback that the rightful user have to make sure no other people is around before he can use the software.

The present invention as claimed by claim 1 as amended is directed to a method for protecting software from unauthorised use. As readable thereon, it requires an the identity means/software which being for enabling electronic commerce operation(s) for which a rightful user of said software desired to be protected has to be responsible; further it requires existence of the identity means/software in a processing apparatus as a pre-condition for providing user access to the software desired to be protected on the processing apparatus; but "without causing an electronic commerce operation being performed". Thus, claim 1 as amended defines a method useful for protecting a software from unauthorised use at a time after purchase and no further payment for the use thereof is to be made.

Although not indicated in claim 1 as amended, it is obvious that the identity

means/software is stored in a computer device and is not in a human visible form and not accessible to any one else except under the permission of the rightful user.

It is an essential feature in Haas et al.'s teaching that a rightful user's credit card number has to be displayed, and it is therefore not obvious to one with ordinary skill in the art to modify it by not having the credit card number to be displayed; and further to make use of the electronic transaction capability of the credit card number to create a means/software to enable a processing apparatus such as a computer to make electronic commerce operation(s) to meet requirement of "identity means/software" of claim 1 as amended.

It is respectfully submitted that "the credit card number to be displayed" of Haas et al. disclosure and "credit card number exist in a software to enable electronic commerce operation(s) such as internet transactions or the like" exist in a computer in 2 technical distinguishable forms. The reason is, the former is in human readable form and the latter is in a form agreeable with a common communication protocol for communicate to/understandable by an existing remote transaction system. Therefore, "the credit card number to be displayed" of Haas et al. cannot meet the requirement of "identity means/software being for enabling electronic commerce operation(s)" of claim 1 as amended literally.

Further, Wiedemer merely disclose an identity means which being a billing module, "that leads to a billing charge, but does not disclose the step of not causing an operation for which an authorized user is responsible for", as the Examiner admitted in his office action. It is respectfully submitted that, it is impossible for one with ordinary skill in the art to modify Wiedemer's billing module which most important purpose is to charge a user for usage of software, to not charge the user so as to meet the important limitation of claim 1 as amended that "access to said software desired to